

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Bay Park Center for Nursing & Rehabilitation LLC d/b/a Bay Park Center for Nursing & Rehabilitation LLC, Brookhaven Rehabilitation & Heath Care Center LLC d/b/a Brookhaven Rehabilitation & Health Care Center LLC, Caring Family Nursing& Rehabilitation Center d/b/a New Surfside Nursing Home LLC, Eastchester Rehabilitation & Health Care Center d/b/a Eastchester Rehabilitation & Health Care Center LLC, Golden Gate Rehabilitation& Health Care Center d/b/a Golden Gate Rehabilitation & Health Care Center LLC, Grace Plaza Nursing and Rehabilitation Center d/b/a Pinegrove Manor LLC, Nassau Rehabilitation & Nursing Center d/b/a Nassau Operating Company, LLC, Park Avenue Extended Care Facility d/b/a Park Avenue Operating Company, LLC, South Point Plaza Nursing and Rehabilitation Center d/b/a Bayview Manor LLC, Spring Creek Rehab & Nursing Care Center d/b/a Willoughby Rehabilitation & Health Care Center LLC, The Hamptons Center for Rehabilitation and Nursing d/b/a North Sea Associates, LLC, Throgs Neck Rehabilitation & Nursing Center d/b/a Throgs Neck Operating Company, LLC, and Townhouse Center for Rehabilitation and Nursing d/b/a Townhouse Operating Company,

Case No. 2:20-cv-06291
(GRB) (AKT)

Plaintiffs,

-against-

Bent Philipson, Avi Philipson and Deborah Philipson,

Defendants.

Oriska Corporation,

Plaintiff in Intervention,

-against-

Bay Park Center for Nursing & Rehabilitation LLC d/b/a Bay Park Center for Nursing & Rehabilitation LLC, Brookhaven Rehabilitation & Heath Care Center LLC d/b/a Brookhaven Rehabilitation & Health Care Center LLC, Caring Family Nursing & Rehabilitation Center d/b/a New Surfside Nursing Home LLC, Eastchester Rehabilitation & Health Care Center d/b/a Eastchester Rehabilitation & Health Care Center LLC, Golden Gate Rehabilitation & Health Care Center d/b/a Golden Gate

Rehabilitation & Health CareCenter LLC, Grace Plaza Nursing and Rehabilitation Center d/b/a Pinegrove Manor LLC, Nassau Rehabilitation & Nursing Center d/b/a Nassau Operating Company, LLC, Park Avenue Extended Care Facility d/b/a Park Avenue Operating Company, LLC, South Point Plaza Nursing and Rehabilitation Center d/b/a Bayview Manor LLC, Spring Creek Rehab & Nursing Care Center d/b/a Willoughby Rehabilitation & Health Care Center LLC, The Hamptons Center for Rehabilitation and Nursing d/b/a North Sea Associates, LLC, Throgs Neck Rehabilitation & Nursing Center d/b/a Throgs Neck Operating Company, LLC, Townhouse Center for Rehabilitation and Nursing d/b/a Townhouse Operating Company, The Landa Group, The Hamptons Center for Rehabilitation and Nursing, New Surfside Nursing Home, LLC, South Point Plaza Nursing and Rehabilitation Center, Spring Creek Rehabilitation & Nursing Care Center, Diamond Hill Nursing and Rehabilitation Center, Garden Care Center, Inc, Kingsbridge Heights Receiver, LLC, Little Neck Care Center, LLC, Nathan Miller Center for Nursing Care, Northwoods Rehabilitation & Extended Care - Troy, Parkview Care and Rehabilitation Center, Inc, Seagate Rehabilitation & Health Care Center, West Lawrence Care Center, LLC, White Plains Center for Nursing, LLC, Woodmere Rehabilitation & Health Care Center, Inc, All American School Bus Corp., Allstate ASO, Amerifalls, LLC, Bay Park Center Nursing & Rehabilitation LLC, Bayview Home for Adults, BeSure Home Health Services, Inc., Birchwood Rest Home, Blue Star Staffing LLC, Brookhaven Rehabilitation & Health CareCenter, LLC, Caring Companion Services, Inc, Caring Professionals, Inc, Cayuga Ridge Extended Care, Clinical Staffing Resources Corp., Cold Spring Acquisition, LLC, Comfort Loving Care, Inc., Comprehensive At Orleans, Comprehensive at Williamsville, Diamond Hill Nursing and Rehabilitation Center, Eagle Home Care LLC, Edison Home Health Care, LLC, Elcor Operating Company, LLC, Expert Care Staffing, LLC & Staffing Agency for Nursing Homes, Garden Care Center, Inc, Golden Hill Health Care Center & Rehabilitation Center, Golden Living Centers LLC, Greater New York Home Care LLC, Greenbriar Home for adults, The Hamptons Center for Rehabilitation and Nursing, Harbour Health Multicare Center for the Living, Harry's Nurses Registry, Inc., HCS Home Care, Home Attendant Services of Hyde Park, Hudson Pointe Acquisition LLC Kingsbridge Heights Receiver, LLC, Parkview Care and Rehabilitation Center & Rehabilitation Center, Golden Living Centers LLC, Greater New York Home Care LLC, Greater New York Services Inc., Greenbriar Home for adults, Harbour Health Multicare Center for the Living, Harry's Nurses Registry Inc., HCS Home Care, Home Attendant Services of Hyde Park, Hudson Pointe Acquisition LLC, Laconia

Nursing Home, Inc., Living Waters Home Care Agency, , MB Food Processing, Inc., Monsey Family Drugstore LLC, Mrs. Mary's Place HCS, Inc., New Carlton Rehab &Nursing Center, Norwich Rehabilitation and Nursing Center, Pharney Group LLC, Prokeep Inc., Putnam Ridge, Ramapo Manor Nursing Center, Preferred Home Care of NY, Rosewood Rehabilitation and Nursing Center, Ross Health Care Center, SC & BP Services, Inc., SentosaCare, LLC, STAT Portable X-RAY Inc, Sunharbor Acquisition, LLC, The Plaza Rehab & Nursing, Upstate Dairy Farms, Inc.,

Employer Defendants,

Bent Philipson, Avi Philipson and Deborah Philipson,

Lead Action Defendants,

Aaron Becher, Aaron Unger, Agnes Arnestein, Alan Chopp, Alan Kessler, Allen Kass, Andrew Freundlich, Anne Gottlieb, Anthony Bacchi, M.D., Arnold Klapper, Barry Leistner, Ben Landa, Ben Philipson, Benjamin Farbenblum, Benjamin Fishoff, Benjamin Landa, Bent Philipson, Berish Rubenstein, C Kenneth Tesslar, Chana Lerner, David Bloom, David Fried, David Hoffman, David Jones, Deborah Philipson, Diana R. Koehler, Dianna Koehler, Eli Greenspan, Eric Kalt, Esther Farkovits, Eugene Nachamkin, Gabor Adler, Gabriel Mordechey, George Adler, George Klein, Girshas Minster, Helen Webster, Henry Shayovitz, Hindy Sirkis, Howard Belford, Howard Krant, Ira Cammeyer, Irina Kostesky, Irwin Peckman, Israel Pollack, Jack Janklowitz, Jacob Pollack, Jaohanan Hirsch, Jeffrey Goldstein, Jeffrey Vogel, Joel Greeneberg, Jordan Fensterman, Judith Jones, Larry Klein, Laurie Netzer, Lawrence Reichenberger, Leonard Janclowicz, Leopold Hirsch, Leslie Shafrank, Lori Fensterman, Lorraine Takesky, Louis Gellis, Malky Saffran, Mark Zaffrin, Martin Farbenblum, Martin Kass, Matthew Barbara, Mayer Rispler, Mayer Fischl, Michael Levitan, Michael Pruzansky, Michael Schwartz, Michael Weiss, Milton Ostreicher, Miriam Karpf, Moshe Sirkis, Nat Scherman, Neil Einhorn, Niklos Gottlieb, Patrick Formato, Paul Barbara, Philip Buchsbaum, Pinchus Hoffman, Pola, Becher, Regina Weinstock, Renee Pollak, Rich Levitan, Richard Busell, Richard Schildron, Rivky Goldberger, Robert Wolf, Robert Bleier, Robert Fensterman, Robert Kolman, Robert Pines, Robyn Weiss, Ruth Hirsch , Samuel Ferrara, Scott Bialick, Scott Einiger, Sharyn Mukamal, Shelly Nakdimen, Sherman Voge, Sigmund Freundlich, Solomon Eidlisz, Staci Fensterman, Steven Brown, Steven Greenstein, Steven J Eisman, Teddy Lochtscher, Theodore Pollak, Toby Weinberger, William Korn, Yechiel Landa,

Owner Operator Defendants,

The Philipson Family Trust, The Schlesinger Family Trust, Berkshire Group, Inc., Spencer Street Realty, Allstate ASO, Inc., Allstate Administrators, Inc. Sam Schlesinger, Michael Camilleri, Pitterman Family Trust, Wolf Eisenbach, National Financial Service, Israel Zeigelman, Financial Service, Michael Schweimmer, Grandview Brokerage, Inc.. Isaac Muller. Broad Coverage Services, Inc., SentosaCare, LLC, Martin Schwartzman, Stella M. Vilardi, Raphael A. Weitzner, Ben Landa, Ira Lipsius, Lipsius-Benham Law, LLP, Whiteman Osterman & Hanna, LLP, Cullen and Dykman, LLP, John Doe and other persons not yet identified,

Prohibited Transaction Defendants,

Andrew Cuomo as the Governor of the State of New York, Linda A. Lacewell as Superintendent of Insurance of the State of New York Department of Financial Services, Martha Lees as General Counsel of the Department of Financial Services, Roberta Reardon as the Commissioner of the State of New York Department of Labor, Carolyn Robinson, Supervisor with the New York State Department of Labor, Dr. Merryl H. Tisch, Chairman of the State University of New York Board of Trustees, the State University of New York, Scott Dietrich and Peter Fountas of the Research Foundation of the State University of New York, Howard A. Zucker, M.D., as the Commissioner of the State of New York Department of Health,

State Officer Defendants,

Donna Hodge, Annette Hall, Karen Grant Williams Alexi Arias as the Class Representatives of a Class of Employees of Employer Defendants in Intervention as the interests of the Class may appear, Class Defendant, Oriska Insurance Company as its interest may appear, Carrier Defendant, Rashbi Management, Inc., as its interest may appear,

Trust Defendant.

AFFIDAVIT OF SERVICE

I, Alexander J. Sperber, being duly sworn, states as follows:

1. I am an attorney for defendants Bay Park Center for Nursing & Rehabilitation LLC d/b/a Bay Park Center for Nursing & Rehabilitation LLC, Brookhaven Rehabilitation & Health Care Center LLC d/b/a Brookhaven Rehabilitation & Health Care Center LLC, Caring Family Nursing & Rehabilitation Center d/b/a New Surfside Nursing Home LLC, Eastchester Rehabilitation & Health Care Center d/b/a Eastchester Rehabilitation & Health Care Center LLC, Golden Gate Rehabilitation & Health Care Center d/b/a Golden Gate Rehabilitation & Health Care Center LLC, Grace Plaza Nursing and Rehabilitation Center d/b/a Pinegrove Manor LLC, Nassau Rehabilitation & Nursing Center d/b/a Nassau Operating Company, LLC, Park Avenue Extended Care Facility d/b/a Park Avenue Operating Company, LLC, South Point Plaza Nursing and Rehabilitation Center d/b/a Bayview Manor LLC, Spring Creek Rehab & Nursing Care Center d/b/a Willoughby Rehabilitation & Health Care Center LLC, The Hamptons Center for Rehabilitation and Nursing d/b/a North Sea Associates, LLC, Throgs Neck Rehabilitation & Nursing Center d/b/a Throgs Neck Operating Company, LLC, and Townhouse Center for Rehabilitation and Nursing d/b/a Townhouse Operating Company. I am over 18 years of age, not a party to the within action, and reside in New York, NY.

2. On February 1, 2021, I served a copy of the Court's order dated January 25, 2020 by electronically mailing a copy of same to the following individuals who, to the best of my knowledge, represent the indicated parties:

Frank Policelli, counsel for Oriska Corporation
frankpolicelli@centralny.twcbc.com

Jessica Sprague, counsel for Oriska Insurance Company
jessica.sprague@hitzkelaw.com

James Kernan, counsel for the Class Defendants
jkernan@kernanllp.com

Christopher Buckley, counsel for the Employer Defendants
cbuckey@cullenllp.com

Timothy Chorba, counsel for the Employer Defendants
tchorba@cullenllp.com

Ira S Lipsius, counsel for the Employer Defendants
iral@lipsiuslaw.com

Christopher Kalil, counsel for the State Officer Defendants
christopher.kalil@ag.ny.gov

Sam Schlesinger, defendant
Sam@allstateaso.com

Barry Feerst, counsel for defendant Rashbi Management
barry@brfesq.com

Michael Freudenberg, counsel for defendant West Lawrence Care Center, LLC
mfreudenberg@homlegal.com

3. The only parties to appear in this action, as of this date, are Oriska Corporation, Bay Park Center for Nursing & Rehabilitation LLC d/b/a Bay Park Center for Nursing & Rehabilitation LLC, Brookhaven Rehabilitation & Heath Care Center LLC d/b/a Brookhaven Rehabilitation & Health Care Center LLC, Caring Family Nursing& Rehabilitation Center d/b/a New Surfside Nursing Home LLC, Eastchester Rehabilitation & Health Care Center d/b/a Eastchester Rehabilitation & Health Care Center LLC, Golden Gate Rehabilitation& Health Care Center d/b/a Golden Gate Rehabilitation & Health Care Center LLC, Grace Plaza Nursing and Rehabilitation Center d/b/a Pinegrove Manor LLC, Nassau Rehabilitation & Nursing Center d/b/a Nassau Operating Company, LLC, Park Avenue Extended Care Facility d/b/a Park Avenue Operating Company, LLC, South Point Plaza Nursing and Rehabilitation Center d/b/a Bayview Manor LLC, Spring Creek Rehab & Nursing Care Center d/b/a Willoughby Rehabilitation & Health Care Center LLC, The Hamptons Center for Rehabilitation and Nursing d/b/a North Sea Associates, LLC, Throgs Neck Rehabilitation & Nursing Center d/b/a Throgs Neck Operating

Company, LLC, and Townhouse Center for Rehabilitation and Nursing d/b/a Townhouse Operating Company, and the Class Defendants (represented by Donna Hodge, Annette Hall, Karen Grant Williams, and Alexi Arias). I have personally served counsel for all these individuals via electronic mail, as indicated above. Each of these parties also received service of the Court's order via the Court's ECF system.

4. Additionally, I have served, via electronic mail as indicated above, a copy of the Court's order on counsel for all other individuals and entities that have appeared for named defendants in related actions. This includes the remaining Employer Defendants and State Officer Defendants, as those terms are defined in the Amended Complaint in Intervention, as well as defendants Oriska Insurance Company and Rashbi Management, Inc.

Dated: February 1, 2021
New York, New York

/s/ Alexander J. Sperber
Alexander J. Sperber